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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Levanna C Traylor, et al.,

No. CV-08-00918-PHX-FJM

10 Plaintiffs,

ORDER

11 v.

12 Avnet Inc.; Avnet Pension Plan,

13 Defendants.

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16 This matter is before the Court, having previously entered Judgment on April 4,
17 2010 approving pursuant to Fed. R. Civ. P. 23(e) the settlement of this class action (the
18 “Litigation”) brought by Plaintiffs Levanna C. Traylor, Kevin R. Moses, James Frederic
19 Coy, Gwyn M. Moriarty, Linda M. Phillips, Thomas G. Small, Dwayne E. Cohen, and
20 Steve A. Dison (“Plaintiffs” or “Named Plaintiffs”) individually and on behalf of the
21 Lump Sum Class and Restricted Participant Class (the “Classes”), against Defendants
22 Avnet, Inc. and the Avnet Pension Plan (“Plan”) (collectively, “Defendants”).

23 Upon consideration of Plaintiffs’ Unopposed Motion for Approval of Second
24 Distribution to the Class of Net Residual Settlement Funds (Doc. 205), which is
25 supported by the Declaration of Ann Sturner, E.A., F.S.A. and the Declaration of Mark
26 Cowen of Rust Consulting, together with exhibits attached thereto, the Court finds that
27 there are 345 members of the Lump Sum Class (“Unreachable Class members”) who
28 cannot be located by the Settlement Administrator, Rust Consulting, Inc. (“Rust”),

1 despite its diligent efforts and that further efforts to locate these missing class members
2 are unlikely to succeed.

3 Accordingly, it is hereby ORDERED that:

4 1. Rust shall perform a distribution to the 3,117 Lump Sum Class members
5 who have been successfully located and paid (“Paid Class members”) the net residual
6 settlement proceeds attributable to 345 Unreachable Class members.

7 2. The second distribution shall be performed in the manner described and
8 calculated by Enrolled Actuary Sturner in her August 5, 2016 declaration and
9 accompanying attachments such that each Paid Class members shall receive a second
10 payment from the Total Net Residual Settlement Funds on the same *pro rata* basis that
11 the original net settlement benefits were allocated to individual members of the Lump
12 Sum Class, except that all second payments shall be equal to the Class member’s *pro rata*
13 share of residual net settlement proceeds or \$45, whichever is greater, but in no case shall
14 the Class member receive a combined payment that exceeds his or her actual damages, as
15 described in the Sturner Declaration.

16 3. The Court approves the proposed payment of \$22,386.00 to the Settlement
17 Administrator from the residual settlement funds for services to be rendered in
18 connection with the second distribution of net residual settlement funds to the Paid Class
19 members.

20 4. The distribution of residual settlement funds in the manner specified in the
21 Rust and Sturner Declarations shall commence as soon as practicable without further
22 order of the Court. Rust shall make two attempts to distribute residual settlement funds as
23 specified in the Rust Declaration.

24 5. On or before the later of February 28, 2017 or six months from the date this
25 Order is entered, the Settlement Administrator shall submit a written status report
26 confirming the distribution of all residual settlement funds, or to the extent any residual
27 settlement funds remain, detailing efforts taken to locate the newly unreachable Paid
28 Class members and distribute residual settlement funds to them.

1 6. For the avoidance of doubt, no Paid Class Member and no Defendants shall
2 be liable to any Unreachable Class members who may attempt to claim a settlement
3 payment under the terms of the original plan of distribution in effect prior to the entry of
4 this Order.

5 Dated this 17th day of August, 2016.

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7 Frederick J. Martone
8 Frederick J. Martone
9 Senior United States District Judge

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